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8 UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA
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11 ULTRA PRO INTERNATIONAL, LLC,
12 Plaintiff,

13 v.

14 BCW DIVERSIFIED, INC., *et al.*,
15 Defendant.
16

Case No. 2:24-cv-08467-FLA (MAAx)

**ORDER GRANTING DEFENDANT’S
MOTION TO DISMISS [DKT. 23]**

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18 **RULING**

19 On October 2, 2024, Plaintiff Ultra Pro International, LLC (“Plaintiff”) filed
20 their complaint against Defendants alleging trademark infringement. Dkt. 1. On
21 October 22, 2024, Defendants BCW Diversified Inc. and Eric Brownell
22 (“Defendants”) filed a Motion to Dismiss or in the Alternative, to Transfer the Action
23 (the “Motion”). Dkt. 23. On November 12, 2024, Defendants filed a Notice of Non-
24 Opposition to the Motion, noting that Plaintiff did not file any opposition to the
25 Motion by the required deadlines. Dkt. 37. The court finds this matter appropriate for
26 resolution without oral argument. *See* Fed. R. Civ. P. 78(b); Local Rule 7-15.


27 Local Rule 7-9 requires an opposing party to file an opposition or a statement of
28 non-opposition to any motion not later than twenty-one (21) days prior to the date

1 designated for hearing the motion. Pursuant to Local Rule 7-12, “[t]he failure to file
2 any required document, or the failure to file it within the deadline, may be deemed
3 consent to the granting or denial of the motion[.]” *See also Porras v. Wells Fargo*
4 *Bank, N.A.*, Case No. 8:17-cv-00893-AG (KESx), 2017 WL 8223611, at *1 (C.D. Cal.
5 July 7, 2017) (“Based on [plaintiff’s] inability to comply with the local rules, the
6 Court deems the plaintiff’s silence as ‘consent’ to granting the defendants’ motion to
7 dismiss.”); *Andrango v. Bank of Am.*, Case No. 5:09-cv-02027-DDP (CTx), 2010 WL
8 308733, at *1 (C.D. Cal. Jan. 25, 2010) (same); *Mack-Univ. LLC v. Halstead*, Case
9 No. 8:07-cv-00393-DOC (ANx), 2007 WL 4458823, at *4 & n. 4 (C.D. Cal. Sept. 25,
10 2007) (where a party “failed to oppose or in any way respond” to a motion,
11 “[p]ursuant to Local Rule 7-12, the Court could grant Plaintiffs’ Motion on this
12 ground alone”).

13 As Plaintiff failed to file an opposition, response, or other papers that could be
14 construed as a request for an extension of time to respond to the Motion, the court
15 GRANTS Defendant’s Motion, Dkt. 23, without prejudice. Accordingly, the court
16 also DENIES Defendant’s *Ex Parte* Application to Stay Deadline to File Responsive
17 Pleading as moot. Dkt. 38

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19 IT IS SO ORDERED.

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21 Dated: November 19, 2024

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24 FERNANDO L. AENLLE-ROCHA
25 United States District Judge
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